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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/635,480	08/08/00	OIKAWA Y	450100-2922.

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WM02/0424

EXAMINER	
NGUYEN,H	
ART UNIT	PAPER NUMBER
2615	2

DATE MAILED: 04/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/635,480	Applicant(s) OIKAWA, YIKA	
	Examiner HUY T NGUYEN	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-8 and 15-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-8 and 15-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
18) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other: .

DETAILED ACTION

Oath/Declaration

1. The oath /declaration is defective because :

1) The errors identified are not applicable for this reissues application. Applicant has submitted a photocopy of the declaration from the original reissue application and they do not apply herein. Therefore, a new declaration must be submitted identifying at least one specific error with respect to the instant application. See 37 CFR 1.175(a)(1).

2) The declaration does not state that "all error being corrected arose without any deceptive invention ---" (See 37 CFR 1.175(a)(2).

Drawings

2. Applicant has requested transfer of Drawings. However, Drawings were already transferred from the parent file to the original reissue application. Therefore, new formal Drawings must be required.

Specification

3. The amendment in the instant specification to include a cross-reference is improper format because the subjected matter to be added is not underlined.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1 and 15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5 and 22 of the copending reissue Application No. 08/845357. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between claims 5 and 22 of the copending reissues Application No. 08/845357and the instant reissue application is that claims 5 and 22 of the copending reissues Application No. 08/845357 additionally recites that the predetermined value I = 0.25. However, it is noted that omitting or eliminating a part or an element of a device is obvious in view of a practitioner in the art. See Omission of an element with the consequence loss of its function. See In Kuhle, 188 U.S.P.Q. 7. Therefore, it would have been obvious to one of ordinary skill in the art to modify claims 5 and 22 of the copending reissues Application No. 08/845357 by eliminating means to make I=0.25 in claims 5 and 22 of the copending reissues application to produce claims 1 and 15 of the instant reissue application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-2 and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Inoue et al (5,446,552).

Regarding claims 1 and 15, Inoue discloses a reproducing apparatus for reproducing video signal from a magnetic tape, wherein a frame of video signal is recorded in 2 m tracks (m >1) (one field recorded in 6 tracks, one frame = 12 tracks, m =6) by configuration of two heads having different azimuth angles (column 10, lines 25-40), a transporter (10,11) for transporting the tape with a first speed (normal reproducing speed) at which the heads are coincide with the tracks and at second speed of m .n + l/2Ltimes speed of recording speed (N = 12 = 6 times 2, m=6, n=2, l = 1/2L or 0), l is a predetermined number depending to the head configuration or reading out rate of Inoue apparatus (column 15, lines 45-50) .

Regarding claims 2 and 16, Inoue further teaches that n is positive number or negative number (column 10, line 62 to column 11, line 9) in fast forward mode or fast reverse mode.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a), which forms the basis for all obviousness rejections, set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 3-4 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Okada (5,315,401).

Regarding claims 3-4 and 17-18, Inoue fails to specifically teach the video signal is a NTSC or a PAL video signal and a frame NTSC is recorded on 10 tracks and a frame of PAL is recorded on 12 tracks.

However, it is noted that processing a NTSC video signal and a Pal video signal to arranging a frame of NTSC signal is recorded on 10 tracks or a frame of Pal is recorded on 12 tracks is well known in the art as taught by Okada at column 2, lines 3-10). Therefore, it would have been obvious to one of ordinary skill in the art to modify Inoue with by using arranging means as taught by Okada for receiving NTSC or PAL video signal and arranging a frame of NTSC is recorded on 10 tracks or a frame of PAL is recorded on 12 tracks as alternative formats of the video signals.

10. Claims 6-8 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Shimoda et al (5,446,552)

Regarding claims 6-8 and 19- 20, Inoue teaches that the video signal recorded on the track of the tape is processed by a digital processing means but fails to specifically using a digital processing means for processing the video signal by using orthogonal transform to produce variable length code or Huffman transform. However,

is noted that using transforming means for transforming video signal to reduce bandwidth of a video signal is well known in the art as taught by Shimoda (column 2, lines 5-36). Therefore, it would have been obvious to one of ordinary skill in the art to modify Inoue with Shimoda by using of a compressing means of Huffman transform to produce video signal of variable length in order to reduce the bandwidth of the video signal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:3000AM -6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6306 for regular communications and (703) 308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

HUY T NGUYEN
PRIMARY EXAMINER

H.N
April 23, 2001